

1    **GENERAL GOVERNMENT CABINET**

2    **Board of Dentistry**

3    **(Amendment)**

4       **201 KAR 8:562. Licensure of dental hygienists.**

5       RELATES TO: KRS 214.615, 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130,  
6    313.254

7       STATUTORY AUTHORITY: KRS 214.615(2), 313.021(1)(a) - (c), 313.040(1), (2), (7),  
8    313.254

9       NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to  
10   promulgate administrative regulations relating to requirements and procedures for the licensure  
11   of dental hygienists. This administrative regulation establishes requirements and procedures for  
12   the licensure of dental hygienists.

13      Section 1. General Licensure Requirements. An applicant desiring licensure in the  
14   Commonwealth shall at a minimum:

15      (1) Understand, read, speak, and write the English language with a comprehension and  
16   performance level equal to at least the ninth grade of education, otherwise known as Level 4,  
17   verified by testing as necessary;

18      (2) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with  
19   an email contact address and an attached applicant photo taken within the past six (6) months;

20      (3) Pay the fee required by 201 KAR 8:520;

(4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(5) Provide proof of completion of the requirements of KRS 214.615(1);

(6) Complete and pass the board's jurisprudence exam;

(7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines established~~[set forth]~~ by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;

(9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;

(11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and

(12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination. (1) Each individual desiring initial licensure as a dental hygienist by examination shall complete all of the requirements established ~~[listed]~~ in Section 1 of this administrative regulation.

(2) Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his Application for Dental Hygiene Licensure [application].

(a) Prior to July 15, 2013, the board shall accept the following regional clinical examinations:

1. The examination of the Council of Interstate Testing Agencies (CITA);
2. The examination of the Central Regional Dental Testing Service (CRDTS);
3. The examination of the North East Regional Board of Dental Examiners (NERB);
4. The examination of the Southern Regional Testing Agency (SRTA); or
5. The examination of the Western Regional Examining Board (WREB).

(b) After July 15, 2013, the board shall only accept a nationalized clinical examination.

(3) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental hygiene education shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dental hygiene in good standing, complete a board-approved [board-approved] refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.

(4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan prescribed by the board based on the applicant's deficiencies.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dental hygienist by credentials shall:

(1) Complete all of the requirements established [~~listed~~] in Section 1 of this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dental hygiene while he or she was legally authorized to practice dental hygiene in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Charitable Limited Licensure. (1) Each individual desiring a charitable limited license shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(b) Submit a completed, signed, and notarized Application for Charitable Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) month;

(c) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(d) Have a license to practice dental hygiene in good standing in another state; and

(e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An individual ~~[Individuals]~~ licensed pursuant to ~~[under]~~ this section shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services ~~that~~~~[which]~~ have met requirements of KRS 313.254 and 201 KAR 8:580;

(b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured pursuant to ~~[under]~~ KRS 304.40-075;

(d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer; ~~[and]~~

(e) Have a charitable limited license that shall be good for two (2) years and expire during the regular dental hygiene renewal cycle; and~~[=]~~

(f) Comply with reciprocity requirements if applicable,

1. A state that extends a reciprocal agreement shall comply with this section.

2. An individual shall notify the sponsor of a charitable clinic and the board of the intent to conduct or participate in the clinic.

3. An individual conducting or participate in a charitable clinic shall have a license to practice dental hygiene in the state in which the dental hygienist practices.

Section 5. Minimum Continuing Education Requirements. (1) Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dental hygiene and would be useful to the licensee in his practice.

(2) Acceptable continuing education hours shall include course content designed to increase:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Knowledge of basic medical and scientific subjects including, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;

(e) Knowledge of clinical and technological subjects;

(f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;

(g) Competency in assisting in mass casualty or mass immunization situations;

(h) Clinical skills through the volunteer of clinical charitable dental hygiene that meets the requirements of KRS 313.254;

(i) Knowledge of office business operations and best practices; or

(j) Participation in dental or dental hygiene association or society business meetings.

(3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

(4) A maximum of ten (10) hours total may be taken that meet the requirements of subsection (2)(h) - (j) of this section.

(5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:

(a) The signature of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation from the provider or sponsoring organization verifying participation as established [~~outlined~~] in subsection (5) of this section and to retain the documentation for a minimum of five (5) years.

(7) At license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.

(8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 6. Requirements for Renewal of a Dental Hygiene License. (1) Each individual desiring renewal of an active dental hygiene license shall:

(a) Submit a completed, signed, and notarized Application for Renewal of Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Maintain with no more than a thirty (30) day lapse, CPR certification that meets or exceeds the guidelines established [~~set forth~~] by the American Heart Association, incorporated by reference in 201 KAR 8:530, unless a hardship waiver is submitted to and subsequently approved by the board;

(d) Meet the requirements of KRS 214.615(1); and

(e) Meet the continuing education requirements as established ~~[outlined]~~ in Section 5 of this administrative regulation except in the following cases:

1. If a hardship waiver has been submitted to and is subsequently approved by the board;

2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half (1/2) of the hours as established ~~[outlined]~~ in Section 5 of this administrative regulation; and

3. If the licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements established ~~[outlined]~~ in Section 5 of this administrative regulation.

(2) If a licensee has not actively practiced dental hygiene in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board-approved ~~[board-approved]~~ refresher course prior to resuming the active practice of dental hygiene.

Section 7. Retirement of a License. (1) Each individual desiring retirement of a dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of Retirement of License Form ~~[this form]~~, the board shall send written confirmation of retirement to the last known address of the licensee.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the board.

Section 8. Reinstatement of a License. (1) Each individual desiring reinstatement of a properly retired dental hygiene license shall:



(a) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Show proof of having current certification in CPR that meets or exceeds the guidelines established~~[set forth]~~ by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(d) Provide verification within three (3) months of the date the Application for Dental Hygiene Licensure~~[application]~~ is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(e) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as established ~~[outlined]~~ in Section 5 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of the Application to Reinstate a Dental Hygiene License ~~[reinstatement application]~~, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as established [~~outlined~~] in Section 5 of this administrative regulation prior to the renewal of his license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half (1/2) of the hours as established [~~outlined~~] in Section 5 of this administrative regulation prior to the renewal of his license.

Section 9. Requirements for Verification of Licensure. Each individual desiring verification of a dental hygiene license shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:

(1) Submit a signed and completed Duplicate License or Registration Request Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 11. Requirements for Local Anesthesia Registration. (1) An individual who has completed a course of study in dental hygiene at a board-approved CODA accredited institution on or after July 15, 2010, which meets or exceeds the education requirements as established in KRS 313.060(10) shall be granted the authority to practice local anesthesia upon the issuance by the board of a dental hygiene license.

(2) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia and does not qualify to do so pursuant to [~~under~~] Section 12(1) of this administrative regulation shall complete a training and education course as described in KRS 313.060(10).

(3) The training and education course shall be offered by at least one (1) of the following institutions in Kentucky:

(a) University of Louisville School of Dentistry;

(b) University of Kentucky College of Dentistry;

(c) Western Kentucky University Dental Hygiene Program; and

(d) Kentucky Community Technical College System Dental Hygiene Programs.

(4) Training received outside of Kentucky shall be from a CODA accredited dental or dental hygiene school and shall meet the requirements established in KRS 313.060(10).

(5) Once the required training is complete the applicant shall:

(a) Complete the Dental Hygiene Local Anesthesia Registration Application; and

(b) Pay the fee required by 201 KAR 8:520.

(6) Individuals authorized to practice pursuant to ~~[under]~~ this provision shall receive a license from the board indicating registration to administer local anesthesia.

(7) A licensed dental hygienist shall not administer local anesthesia if the licensee does not hold a local anesthesia registration issued by the board.

(8) A ~~[Any]~~ licensed dental hygienist holding a local anesthesia registration from the board who has not administered block anesthesia, infiltration anesthesia, or nitrous oxide analgesia for one (1) year shall complete a board-approved ~~[board-approved]~~ refresher course prior to resuming practice of that specific technique.

Section 12. Requirements for General Supervision Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

(a) Complete the General Supervision Registration Application;

1 (b) Meet the requirements of KRS 313.040(7)(a);

2 (c) Document through payroll records, employment records, or other proof that is  
3 independently verifiable, the dates and hours of employment by a dentist in the practice of dental  
4 hygiene that demonstrate the required two (2) years and 3,000 hours of experience;

5 (d) Successfully complete a live three (3) hour course approved by the board in the  
6 identification and prevention of potential medical emergencies that shall include, at a minimum,  
7 the following topics:

8 1. Medical history, including American Society of Anesthesiologists (ASA) classifications of  
9 physical status;

10 2. Recognition of common medical emergency situations, symptoms, and possible outcomes;

11 3. Office emergency protocols; and

12 4. Prevention of emergency situations during dental treatments.

13 (2) An individual authorized to practice pursuant to ~~[under]~~ these provisions shall receive a  
14 license from the board indicating registration to practice under general supervision.

15 (3) A dentist who employs a dental hygienist who has met the standards of this administrative  
16 regulation and who allows the dental hygienist to provide dental hygiene services pursuant to  
17 KRS 313.040(7) shall complete a written order prescribing the dental service or procedure to be  
18 done to a specific patient by the dental hygienist and shall retain the original order in the patient's  
19 dental record.

20 (4) The minimum requirements for the written order shall include:

21 (a) Medical history update;

22 (b) Radiographic records requested;

23 (c) Dental hygiene procedures requested;

(d) Name of the patient;

(e) Date of last oral examination;

(f) Date of the written order; and

(g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's ~~[hygienists]~~ skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the General Supervision Registration Application.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established ~~[listed]~~ in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, 2007 Edition, American Dental Association.

(8) A licensed dental hygienist shall not practice under general supervision if the licensee does not hold a general supervision registration issued by the board.

Section 13. Requirements for Starting Intravenous Access Lines. (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to ~~[under]~~ KRS Chapter 313 who desires to start an intravenous (IV) access line while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall:

(a) Submit a signed and completed Application for Intravenous Access Line Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.

(2) An individual authorized to practice pursuant to ~~[under]~~ this provision shall receive a license from the board indicating registration to start IV access lines.

(3) A licensed dental hygienist shall not start an IV access line if the licensee does not hold a board-issued registration to start IV access lines.

Section 14. Requirements for Performing Laser Debridement. (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to ~~[under]~~ KRS Chapter 313 who desires to perform laser debridement while under the direct supervision of a dentist licensed by the board shall:

(a) Submit a signed and completed Application for Laser Debridement Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in performing laser debridement.

(2) An individual authorized to practice pursuant to ~~[under]~~ this provision shall receive a license from the board indicating registration to perform laser debridement.

(3) A licensed dental hygienist shall not perform laser debridement if the licensee does not hold a registration to do so issued by the board.

Section 15. Requirements for Public Health Registered Dental Hygienist Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice as a public health registered dental hygienist shall:

(a) Submit a completed Public Health Registered Dental Hygienist Application;

(b) Meet the requirements established in KRS 313.040(8);

1 (c) Document through payroll records, employment records, or other proof that is  
2 independently verifiable, the dates and hours of employment by a dentist in the practice of dental  
3 hygiene that demonstrate the required two (2) years and 3,000 hours of experience;

4 (d) During each renewal cycle, successfully complete a live three (3) hour course that has  
5 been approved by the board on the identification and prevention of potential medical  
6 emergencies that shall include, at a minimum, the following topics:

7 1. Medical history, including American Society of Anesthesiologists (ASA) classifications of  
8 physical status;

9 2. Recognition of common medical emergency situations, symptoms, and possible outcomes;

10 3. Office emergency protocols; and

11 4. Prevention of emergency situations during dental treatments; and

12 (e) The requirements of paragraphs (c) and (d) may be met by previous registration pursuant  
13 to Section 12 of this administrative regulation.

14 (2) An individual authorized to practice pursuant to these provisions shall receive a certificate  
15 from the board indicating registration to practice as a public health registered dental hygienist.

16 (3) A public health registered dental hygienist desiring to maintain certification as a public  
17 health registered dental hygienist shall be required to complete at least five (5) hours of  
18 continuing education in the area of public health or public dental health during each renewal  
19 cycle.

20 (4) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist may practice in  
21 a government-created public health program at the following sites:

22 (a) Local health departments;

1     (b) Public or private educational institutions that provide Head Start, preschool, elementary  
2     and secondary instruction to school-aged children under the jurisdiction of the State Board of  
3     Education, and that have an affiliation agreement with the health department of jurisdiction;

4     (c) Mobile and portable dental health programs under contract with a governing board of  
5     health; and

6     (d) Public or private institutions under the jurisdiction of a federal, state, or local agency and  
7     other programs acceptable to the Cabinet for Health and Family Services and the board.

8     (5) A public health registered dental hygienist shall perform dental hygiene services only  
9     under the supervision of the governing board of health, as required by KRS 313.040(3)(b), as  
10    established in KRS 313.040(8), and as identified by the Department for Public Health Practice  
11    Reference.

12    (a) These services shall be limited to preventative services.

13    (b) The public health registered dental hygienist shall only treat a patient who is in the ASA  
14    Patient Physical Status Classification of ASA I or ASA II as established in the current edition of  
15    Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, American  
16    Dental Association.

17    (c) The informed consent shall be required prior to preventative services and shall include:

18    1. The name of the public health entity, including the name of the dentist, that assumes  
19    responsibility and control;

20    2. An inquiry as to the current dentist; and

21    3. A statement that services are provided by a dental hygienist without the direct supervision  
22    of a dentist.



1     (d) This administrative regulation shall not preclude a Kentucky-licensed dentist from directly  
2     participating in a public health program referenced in subsection 4(a), (b), (c), or (d) of this  
3     subsection.

4     (6) A public health registered dental hygienist shall refer each patient not currently under the  
5     care of a dentist to a licensed dentist for general dental needs.

6     (a) Each public health agency shall maintain a current list of available dentists for referral  
7     purposes.

8     (b) Documentation of the referral shall be maintained in the patient's health record within the  
9     health department organization as well as in a specific referral log.

10    (c) A general referral shall be made for a patient who has no obvious dental needs upon  
11    assessment.

12    (d) A specific referral shall be made for a patient who has an obvious pathologic area of  
13    concern that the public health registered dental hygienist determines should be assessed,  
14    diagnosed and possibly treated. The specific referral shall be mailed to the last known address of  
15    the parent or legal guardian.

16    (e) Failure of the parent or legal guardian to comply with a specific referral provided for in  
17    paragraph (d) of this subsection shall result in contact being made with the patient's parent or  
18    legal guardian with a record in the patient's chart and specific referral log. Notification of the  
19    specific referral shall be provided to the dentist or physician member of the governing board of  
20    health.

21    (7) Standardized Protocols.

1     (a) Through the dentist member, each health department's governing board of health shall  
2     annually review and adopt standardized protocols, for the practice of the public health registered  
3     dental hygienist, that are incorporated in the Kentucky Public Health Practice Reference.

4     (b) A governing board of health without a dentist member on its governing board or member  
5     county board of health shall have protocols reviewed and recommended for adoption or not by  
6     the State Dental Director, who shall be a dentist.

7     (c) These standardized protocols shall also be reviewed and approved or denied by the board  
8     on an annual basis.

9     (d) Each public health registered dental hygienist shall comply with all formally adopted,  
10    standardized protocols.

11    Section 16. Issuance of Initial Licensure. If an applicant has completed the requirements for  
12    licensure the board shall:

13       (1) Issue a license in sequential numerical order; or

14       (2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

15    Section 17.~~[46.]~~ Incorporation by Reference. (1) The following material is incorporated by  
16    reference:

17       (a) "Application for Dental Hygiene Licensure", January 2011;

18       (b) "Application for Charitable Dental Hygiene Licensure", July 2010;

19       (c) "Application for Renewal of Dental Hygiene Licensure", January 2011;

20       (d) "Retirement of License Form", July 2010;

21       (e) "Application to Reinstate a Dental Hygiene License", July 2010;

22       (f) "Verification of Licensure or Registration Form", July 2010;

23       (g) "Duplicate License or Registration Request Form", July 2010;

1 (h) "Dental Hygiene Local Anesthesia Registration Application", July 2010;

2 (i) "General Supervision Registration Application", July 2010;

3 (j) "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students",  
4 2007 Edition;

5 (k) "Application for Intravenous Access Line Registration", July 2010; [~~and~~]

6 (l) "Application for Laser Debridement Registration", July 2010; and

7 (m) "Application for Laser Debridement Registration", March 2012.

8 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,  
9 at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky  
10 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the  
11 board's Web site at <http://dentistry.ky.gov>.

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Dr. Adam Rich, Board President

April 11th, 2012  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on Thursday, May 31, 2012, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until May 31, 2011.

Send written notification of intent to be heard at the public hearing or written comments on the emergency administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email [briank.bishop@ky.gov](mailto:briank.bishop@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:562E. Licensure of dental hygienists.**  
Contact Person: Brian K. Bishop, Executive Director  
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040. This administrative regulation also establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in KRS 313.060**

(b) The necessity of this administrative regulation: **This administrative regulation is necessary to implement the requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040 and establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in KRS 313.060.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **This amendment adds the requirements to become a Public Health Registered Dental Hygienist which is required by KRS 313.040 (8).**

(b) The necessity of the amendment to this administrative regulation: **KRS 313.040 (8) requires the board to promulgate regulations for the Public Health Registered Dental Hygienist.**

(c) How the amendment conforms to the content of the authorizing statute: **The amendment sets the requirements to apply for registration and outlines the parameters under which they may practice.**

(d) How the amendment will assist in the effective administration of the statutes: **The amendment will set the processes in place and insure the health, safety, and protection of the Citizens of the Commonwealth.**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will affect the 2402 dental hygienist currently licensed by the board as well as any new dental hygienist licensed by the board in the future. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **There are no new actions for licensees to take in order to comply with this administrative regulation. The Kentucky Board of Dentistry is charged by KRS 313.040 to regulate the practice of dentistry in the Commonwealth.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **the fees established in 201 KAR 8:520 are:**

**(1) The initial licensure fee for a dental hygiene license applied for in a non-renewal year shall be \$125.**

**(2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be seventy-five (75) dollars.**

**(3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the license shall be \$110.**

**(4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.**

**(5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.**

**(6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year following the expiration of the license shall be \$520 in addition to the renewal fee.**

**(7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.**

**(8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.**

**(9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.**

**(10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.**

**(11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.**

**The Board is a self funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **Licensees who are in compliance will have the legal ability to practice dental hygiene in the Commonwealth of Kentucky. Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for it licensees to legally practice dentistry in the Commonwealth.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: **The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.**

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The implementation and enforcement of this regulation are fully funded by licensing fees paid by dental hygienist as part of compliance with this regulation.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **The fees found in 201 KAR 8:520 make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation does not establish fees or directly or indirectly increase any fees.**

(9) TIERING: Is tiering applied? **Tiering is applied in as much as the dental hygienist wishes to undertake additional responsibilities allowed under the authority of the dentist for which he works. This administrative regulation establishes additional requirements for individual wishing to practice under the general supervision of the dentist, use lasers for debridement, or establish inter venous access on patients.**



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:562.

Contact Person: Brian K. Bishop, Executive Director,  
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry and the Kentucky Department for Public Health are the only state government entities which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS Chapter 313

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## **SUMMARY OF MATERIAL INCORPORATED BY REFERENCE**

- (1) The “Application for Dental Hygiene Licensure” is the 2 page application form that individuals are required to file in order to be licensed to practice dental hygiene in the Commonwealth of Kentucky. KRS 313.040 requires the board to define requirements for licensure.
- (2) The “Application for Charitable Dental Hygiene Licensure” is the 2 page application form that individuals who hold a license to practice dental hygiene in another state are required to file in order to be licensed to practice charitable dental hygiene in the Commonwealth of Kentucky. KRS 313.040 requires the board to define requirements for licensure.
- (3) The “Application for Renewal of Dental Hygiene Licensure” is the 2 page application form that licensees are required to file in order to renew an active license to practice dentistry in the Commonwealth of Kentucky. KRS 313.040 requires the board to organize renewal programs for dental hygienists.
- (4) “Retirement of License Form” is the 1 page form that licensees are required to file in order to retire an active license in good standing in the Commonwealth of Kentucky. KRS 313.040 requires the board to define programs for the retirement of a license.
- (5) The “Application to Reinstate a Dental Hygiene License” is the 2 page form that licensees are required to file in order to reinstate a license to practice dental hygiene in the Commonwealth of Kentucky which has been properly retired. KRS 313.040 requires the board to define programs for the reinstatement of a license.
- (6) The “Verification of Licensure or Registration Form” is the 1 page form that individuals are required to file in order to request an official verification of licensure in the Commonwealth of Kentucky. KRS 313.040 requires the board to define processes related to the licensure of dental hygienists.
- (7) The “Duplicate License or Registration Form” is the 1 page form that individuals are required to file in order to request a duplicate copy of an active dental hygiene license issued by the board. KRS 313.040 requires the board to define processes related to the licensure of dental hygienists.
- (8) The “Dental Hygiene Local Anesthesia Registration Application” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to perform local anesthesia. KRS 313.040 requires the board to define local anesthesia registration requirements.
- (9) The “General Supervision Registration Application” is a 2 page form that licensed dental hygienists are required to file in order to be registered with the board to practice under general supervision. KRS 313.040 requires the board to define general supervision registration requirements.

(10) The “Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students” is a 17 page document published by the American Dental Association to provide standard nationwide guidelines regarding the teaching of pain control and sedation in dentistry. KRS 313.040 requires the board to develop general supervision guidelines.

(11) The “Application for Intravenous Access Line Registration” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to start intravenous access lines. KRS 313.040 requires the board to define requirements for registration.

(12) The “Application for Laser Debridement Registration” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to practice laser debridement. KRS 313.040 requires the board to define requirements for registration.

(13) The “Application for Public Health Registered Dental Hygienist” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to practice as a public health registered dental hygienist. KRS 313.040 requires the board to define requirements for registration.